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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
BLUESTONE BROADCASTERS, INC.) MM DOCKET NO. 96-192
)
For Renewal of License,) File No. BR-950531ZF
WMTD(AM), Hinton, WV)

To: Hon. Richard L. Sippel
Administrative Law Judge

DOCKET FILE COPY ORIGINAL

Motion for Order on
Local Notice Completion

Bluestone Broadcasters, Inc., by counsel, moves for an order accepting as substantial compliance with and sufficiency of performance under Sec. 73.3594 of the Rules, the local notice of hearing demonstration which is filed this date.

1. The jurisdiction of the Administrative Law Judge rests in Sec. 1.243 of the Rules.

2. The Prehearing Conference Order, which specified the hearing date, was released September 17, 1996. The Order was sent to Hinton, WV by mail. Bluestone was not then represented by legal counsel. WMTD was, and is, off the air. In the declaration of its president the applicant relates the problems trying to complete the notice in the formalities required by the rules, obtaining counsel and then, after counsel was engaged, getting the appropriate text and making arrangements for publication with the weekly newspaper. The applicant states that with due diligence the notice was accomplished by publication, on October 15, 22 and 29th according to the publisher's affidavit. The text of the notice was adjusted relative to the date for public participation to provide for equivalency of the thirty days after release of the order specifying the evidentiary hearing date of Sec. 73.3594(e)(2). A copy of the declaration and the Sec. 73.3594 filing is sub-joined.

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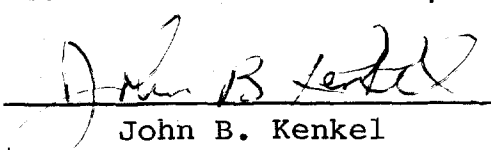
3. The newspaper publication's last date was October 29, 1996. The applicant then obtained the appropriate publisher's affidavit, completed its own certificate (declaration), and provided the material to counsel for filing this date, November 8, 1998.

4. It is submitted that for all the foregoing reasons it may be found that the local notice demonstration and the applicant's due diligence in connection therewith warrant a conclusion that the provisions of Sec. 73.3594 have been substantially complied with and, therefore, the applicant has required that hearing obligation.

WHEREFORE, we pray that the appropriate Order be made and entered accepting as substantial compliance with, and sufficiency of performance under the provisions of Sec. 73.3594 of the Rules, the renewal applicant's said Sec. 73.3594 material filed November 8, 1996. And, the movant prays for such other and further relief as may be appropriate to its cause.

Respectfully submitted,
Bluestone Broadcasters, Inc.

By:

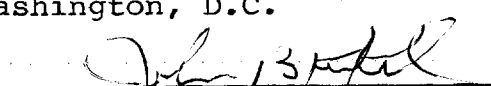

John B. Kenkel
Its counsel

Kenkel and Associates
1901 L Street, NW #290
Washington, D.C. 20036
(202) 659-4401

November 8, 1996

Service

A copy of the foregoing was delivered this 8th day of November, 1996 to Hon. Richard L. Sippel, Chambers 2nd Floor, 2000 L Street, NW. and Jacqueline Ellington, Esquire, Mass Media Bureau, 2025 M Street Bldg., Rm 7212, Washington, D.C.


John B. Kenkel

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November 8, 1996

JOHN B. KENKEL
D.C. AND MD.

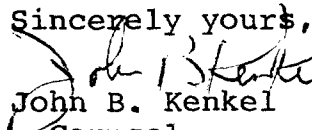
Secretary
Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554

In re: Bluestone Broadcasters, Inc.
WMTD, Hinton, W Va
BR-950531ZF Docket No. 96-192
Local Notice

Dear Mr. Secretary:

For Bluestone Broadcasters, Inc., licensee of AM Station WMTD, Hinton, West Virginia, we are filing herewith, in triplicate the statement and supporting material relative to local notice of the designation for hearing of the application for renewal of license, pursuant to the provisions of § 73.3594 of the Commission's Rules.

A copy hereof is being delivered this date to the Hon. Richard L. Sippel, Administrative Law Judge, and to Jacqueline Ellington, Esquire, Mass Media Bureau Hearing Division.

Sincerely yours,

John B. Kenkel
Counsel

Encl.

cc w/ encl. Hon. Richard L Sippel, Chambers, 2000 L Street NW
Jacqueline Ellington, Esq., 2025 M Street NW, Rm 7212

STATE OF WEST VIRGINIA
COUNTY OF SUMMERS, SS

DECLARATION

I, Lonnie R. Mullins, state that I am President of Bluestone Broadcasters, Inc., licensee of AM Station WMTD, Hinton, WV. The station is off the air.

Local notice of the designation for hearing of the station's application for license renewal was accomplished by publication in the HINTON NEWS, a weekly, the only news paper published and generally circulated in Hinton, Summers County, WV. The commencement of publication was done after I was given advice and instructions as to form and language, by counsel, after counsel was engaged. Prior to engaging counsel, I spent much time trying to digest the Hearing Order and the Pre Hearing order and the referenced FCC rules, trying to chart a course of action without counsel.

Considering the mail time from Washington to Hinton for the order establishing the date of the hearing, securing counsel and receiving guidance and dealing with a weekly publication schedule, I can state that I strived diligently to comply with the FCC rules regarding this matter.

Agreeable with counsel's recommendations, the text of the notice expanded the date relative to members of the public to provide the thirty days after release of hearing date order equivalent.

Executed and declared true and correct, under penalty of perjury, this 7th day of November, 1996.



Attachment:
Publishers affidavit
of Publication

Lonnie R. Mullins

I, Fred Long, publisher of Hinton News a newspaper in Summers County, West Virginia do hereby certify that the annexed Notice was published in said newspaper for three successive times on the following dates, October 15, 22, 29, 1996

THE PRINTERS FEE THEREFORE IN \$52.50

Given under my hand this 29 day of October, 19 96

State of West Virginia)

County of Summers) to wit:

Subscribed and sworn to before me this 29 day of October, 19 96

My Commission expires January 17, 2005

NOTARY PUBLIC - OFFICIAL SEAL
STATE OF WEST VIRGINIA
NELLIE M. ROBERTSON
406 Cedar Ave., Hinton WV 25951
My commission expires: 1-17-2005

Nellie M. Robertson
Notary Public

COPY OF PUBLICATION FROM THE HINTON NEWS

LEGAL NOTICE

NOTICE OF FCC HEARING

The application for renewal of license of WMTD, 1380 kHz, Hinton, WV, Bluestone Broadcasters, Inc., license, has been designated for hearing by the FCC. The WMTD application for renewal of license to operate in the public interest was tendered for filing with the Federal Communications Commission on May 31, 1996. After considering the application, the FCC has determined that it is necessary to hold a hearing to decide the following questions: (1) to determine whether Bluestone Broadcasters, Inc. has the capability and intent to expeditiously resume the broadcast operations of WMTD(AM), consistent with the Commission's Rules; (2) to determine whether Bluestone has violated Secs. 73.1740 and/or 73.1750 of the Commission's Rules; and (3) to determine in light of the evidence adduced pursuant to the preceding issues, whether grant of the subject renewal of license application would service the public interest, convenience and necessity. The hearing will be held in an FCC courtroom, before Admin. Law Judge Sippel, commencing at 10AM on Jan. 28, 1997. Members of the public who desire to give evidence concerning the foregoing issues should write to the FCC, Washington, D.C. 20554, not later than October 17, 1996 or thirty days from first publication of this notice (October 15), whichever is later. Letters should set forth in detail the specific facts concerning which the writer wishes to give evidence. If the FCC believes that the evidence is legally competent, material and relevant to the issues, it will contact the person in question. A copy of the renewal application and related material are on file for public inspection, during normal business hours at WMTD, 95 Pleasant St., Hinton, WV.

HN Oct. 15, 22, 29

